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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

HALEY RIGGS-GILMAN,

Case No. 08-6162-AA

Plaintiff,

v.

HOUSTON FUNDING II, L.P.;  
and  
U.S. BANK, N.A.,

Defendants.

COMPLAINT FOR VIOLATIONS OF  
FAIR DEBT COLLECTION  
PRACTICES ACT; VIOLATION OF  
THE OREGON UNLAWFUL DEBT  
COLLECTION PRACTICES ACT;  
DEFAMATION; and INVASION OF  
PRIVACY

JURY REQUESTED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims.

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2. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), as well as state law claims.

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendants transact business here.

#### PARTIES

4. Plaintiff Haley Riggs-Gilman is a natural person who resides in the City of Corvallis, in the State of Oregon, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Houston Funding II, LP is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), with a registered agent in the City of Salem, State of Oregon.

6. Defendant U.S. Bank is a National Association transacting business in the state of Oregon.

#### FACTUAL ALLEGATIONS

7. Plaintiff's mother opened a credit account with U.S. Bank which Plaintiff's mother used for personal use.

8. Plaintiff did not apply for the credit account with U.S. Bank.

9. Plaintiff was added to the credit account by her mother without any knowledge or consent.

10. Plaintiff was not residing in the same state as where the charges on the credit account were made.

11. Plaintiff never used or received any benefit from the credit account with U.S. Bank.

12. Plaintiff first received a billing statement from U.S. Bank dated January 4, 2007.

13. Plaintiff sent a letter dated January 29, 2007 disputing the charges and states that she

had never applied, received, or used this U.S. Bank card.

14. Plaintiff filed complaints with both the Attorneys General for Oregon and Washington.

15. U.S. Bank sent a letter dated February 23, 2007 that revealed that Joette Brittsan, Plaintiff's mother, attempted to remove Plaintiff from the account as early as September 14, 2005.

16. Defendant, U.S. Bank, refused to allow the removal of Plaintiff from the credit account, and continues to do so.

17. Defendant U.S. Bank assigned, sold, or transferred the credit account to Houston Funding.

18. Defendants' continue to report a delinquent debt to the national credit bureaus.

19. As of April 30, 2008 none of the Defendants had notified any credit bureau that the debt on the credit account was in dispute.

20. Defendants maliciously reported this account to the credit reporting bureaus.

22. Defendants continue to attempt to collect the debt from Plaintiff.

23. Plaintiff has been injured by Defendants actions in the form of, but not limited to, emotional distress.

#### TRIAL BY JURY

24. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend.

7. Fed. R. Civ. Pro. 38.

#### CAUSES OF ACTION

#### COUNT I.

#### VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

25. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

26. The foregoing acts and omissions of Houston Funding constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692e, 1692e(2), 1692e(4), 1692e(5), 1692e(8), 1692e(10), 1692f, and 1692f(1).

27. As a result of Houston Funding's violations of the FDCPA, plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

COUNT II.

UNLAWFUL DEBT COLLECTION PRACTICES ACT

28. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.

29. Defendants' actions constitute multiple violations of the UDCPA including but not limited to ORS 646.639(2)(m) and (n)

30. As a result of such action Plaintiff is entitled to actual damages, statutory damages and punitive damages in an amount to be determined at trial and injunctive relief pursuant to ORS 646.641.

DEFAMATION

31. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though

fully stated herein.

32. Defendants' actions constitute defamatory statements.

33. As a result of such action Plaintiff is entitled to actual damages and punitive damages in an amount to be determined at trial.

#### INVASION OF PRIVACY

34. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.

35. Defendants' actions have cast the Plaintiff in a false public light.

36. Defendants' actions have intruded on the seclusion and solitude of Plaintiff.

37. As a result of such action Plaintiff is entitled to actual damages and punitive damages in an amount to be determined at trial

#### PRA YER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against defendants for:

#### COUNT I.

#### VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against each and every defendant;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. §

1692k(a)(3) against each and every defendant;

COUNT II.

UDCPA

ORS 646.639 et seq

for an award of actual and punitive damages against each and every defendant in an amount to be determined at trial pursuant to ORS 646.641;

for an order enjoining each and every defendant from violating any provision of the UDCPA pursuant to ORS 646.641;

for attorney fees and the costs of litigation against each and every defendant pursuant to ORS 646.641.

COUNT III

DEFAMATION

for an injunction to Defendants to discontinue the reporting of this debt as owed by Plaintiff to any credit bureau.

for an award of actual and punitive damages against each and every defendant in an amount to be determined at trial.

COUNT IV

INVASION OF PRIVACY

for an injunction to Defendant to discontinue the reporting of this debt as owed by Plaintiff to any credit bureau.

for an award of actual and punitive damages against each and every defendant in an

amount to be determined at trial.

DATED: May 30, 2008

Olsen, Olsen & Daines, LLC



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Keith D. Karnes, OSB # 03352  
Attorney for Plaintiff